



DOCKET NO: C01040.70010.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heather L. Davis et al.  
Serial No: 09/768,012  
Confirmation No: 9273  
Filed: January 22, 2001  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR INDUCING A TH2 IMMUNE RESPONSE  
Examiner: D. Nguyen  
Art Unit: 1632

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 5<sup>th</sup> day of August, 2003.

Michelle M. Quinn

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

**PART III: Information Cited**

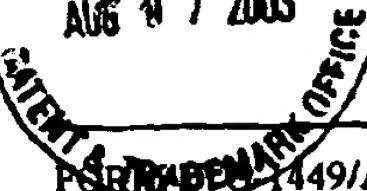
The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

723119.1

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1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 2

APPLICATION NO.: 09/768,012	ATTY. DOCKET NO.: C01040.70010.US
FILING DATE: January 22, 2001	CONFIRMATION NO.: 9273
APPLICANT: Heather L. Davis et al.	
GROUP ART UNIT: 1632	EXAMINER: D. Nguyen TECH CENTER 1600-2000 RECEIVED AUG 22 2003

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A33	5,268,365		Rudolph et al.	12-07-1993
	A34	5,488,039		Masor et al.	01-30-1996
	A35	5,492,899		Masor et al.	02-20-1996
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	A42	6,429,199		Krieg et al.	08-06-2002
	A43	6,406,705		Davis et al.	06-18-2002

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
B47	WO	00/03683			Inex Pharmaceuticals Corporation	01-27-2000	
B48	WO	99/55743			Inex Pharmaceuticals Corporation	11-04-1999	
B49	WO	98/51278			Inex Pharmaceuticals Corporation	11-19-1998	

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C86	Agrawal, Tibtech, 14:376-387, 1996	
	C87	Bates et al., J. Bio. Chem., 274(37):26369-26377, 1999	
	C88	Boggs, et al. Antisense Nucleic Acid Drug Dev, 7(5):461-471, 1997	
	C89	Carter et al., Int. J. Immunopharmac., 13(1):69-76, 1991	
	C90	Chace et al., Clinical Immunology and Immunopathology, 68(3):327-332, 1993	

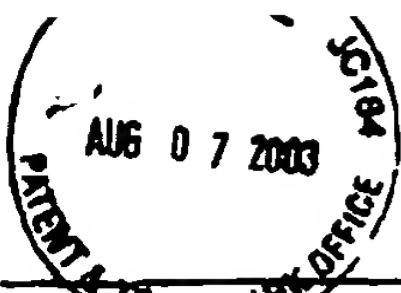
**EXAMINER****DATE CONSIDERED**

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application. Serial No. \_\_\_, filed \_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

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FORM P-1449/A and B (Modified)

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet 2 of 2

APPLICATION NO.: 09/768,012	ATTY. DOCKET NO.: 104020010.US
FILING DATE: January 22, 2001	CONFIRMATION NO.: 9273
APPLICANT: Heather L. Davis et al.	AUG 12 2003 TECH CENTER 1600/2900
GROUP ART UNIT: 1632	EXAMINER: D. Nguyen

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C93	Ewel et al., <i>Cancer Res.</i> , 52(11):3005-3010, 1992
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C95	Gao et al., <i>Mol Pharmacol</i> , 41:223-229, 1992
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C97	Hartmann, <i>Antisense &amp; Nuc. Acid Drug Dev.</i> , 6:291-299, 1996
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C100	Hughes, <i>Antisense Res. &amp; Dev.</i> , 4:211-215, 1994
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C111	Kuramoto et al., <i>Int. Immuno-pharmacol.</i> , 14(5):773-782, 1992
C112	Lacour, et al., <i>J. Biol. Resp. Mod.</i> , 4:538-543, 1985
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C118	Park et al., <i>J. Immunopharm</i> , 17(6):513-515, 1995
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